

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:01CV150-V
(3:92CR238-1-P)

KAREEM A. TOMBLIN,)
Petitioner,)
)
v.) O R D E R
)
UNITED STATES OF AMERICA,)
Respondent.)
)

THIS MATTER is before the Court on the petitioner's "Motion To Vacate A Civil Judgment Pursuant To The Federal Rules Of Civil Procedure 60(b) (4)," filed April 13, 2005.

Although the petitioner has filed this Motion in his closed civil case and he even has referenced the Federal Rules of Civil Procedure as providing the basis for such Motion, he actually is seeking relief in his closed criminal case. That is, by the instant Motion, the petitioner is attempting to challenge this Court's 1993 Order by which the Court terminated the petitioner's status as a juvenile and allowed the government to proceed with its prosecution against him as an adult. Suffice it to say, however, the petitioner cannot prevail in this cause.

Indeed the Court's June 1993 Order simply is not susceptible to this type of challenge at this juncture. Likewise, the Court's April 2001 dismissal of the petitioner's Motion to Vacate--the

closed case in which this Motion was filed--also is not susceptible to attack, particularly in light of the petitioner's failure even to have appealed that dismissal. Consequently, this Motion is **DISMISSED**.

SO ORDERED.

Signed: May 31, 2005



Richard L. Voorhees
United States District Judge

